

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JOSE MIGUEL APONTE-RODRIGUEZ,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. C15-5708-RSM-JPD

REPORT AND RECOMMENDATION

Plaintiff brought this action to seek judicial review of the denial of his application for disability benefits by the Commissioner of the Social Security Administration. Dkt. 3. The parties have stipulated that this case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 15.

Based on the stipulation of the parties, the Court recommends that this case be REVERSED and REMANDED for further administrative proceedings before an Administrative Law Judge (“ALJ”). On remand, the ALJ shall conduct a *de novo* hearing and issue a new decision. The ALJ shall also 1) update and reevaluate the medical evidence; 2) revisit the presumption of continuing nondisability, per Acquiesce Ruling (AR) 97-4(9); and 3) continue with the sequential evaluation process, reevaluating credibility and the RFC, and determine the

1 claimant's capacity to perform past relevant work and other work, obtaining VE testimony as
2 needed. In addition, the ALJ shall take any other actions necessary to develop the record.

3 Plaintiff may submit additional evidence and arguments to the ALJ on remand.

4 Upon proper application, the Court will consider whether reasonable attorney's fees and
5 costs should be awarded pursuant to 28 U.S.C. § 2412(d).

6 Because the parties have stipulated that the case be remanded as set forth above, the
7 Court recommends that Chief United States District Judge Ricardo S. Martinez immediately
8 approve this Report and Recommendation. The Clerk should note the matter for **March 16,**
9 **2016** as ready for Judge Martinez's consideration. A proposed order accompanies this Report
10 and Recommendation.

11 DATED this 16th day of March, 2016.

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13 JAMES P. DONOHUE
14 Chief United States Magistrate Judge
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